

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
FIROOZ GHASSABIAN,	:	
	:	
Petitioner,	:	ECF Case
	:	
- against -	:	Civil Case No. 08-CV-4400 (SAS)
	:	
FATOLLAH HEMATIAN, BEHDAD	:	<b>DECLARATION</b>
HEMATIAN, HERTSEL AKHAVAN	:	
and CLASSICOM, L.L.C., a limited	:	
liability company organized under the	:	
laws of the State of Delaware,	:	
	:	
Respondents.	:	
	:	
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I, DAVID HEZGHIA, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I have reviewed the Declaration of Fereidoon Ghassabian ("Fereidoon"), sworn to on May 9, 2008, which is attached as Exhibit 2 to the Petition to Stay Arbitration in the above-referenced matter.

2. Fereidoon states in Paragraph 2 of his Declaration that I told Fereidoon's brother, Firooz Ghassabian ("Benny") the Petitioner herein, that Fatollah Hematian ("Effy"), one of the Respondents herein "had discussed with Abdolrahim Etessami and Nassim Bassalian, [the arbitrators designated by the parties herein,] about his [Effy's] disputes with Benny."

3. Fereidoon proceeds to state that I also told Benny "since Mr. Etessami and Mr. Bassalian now know Effy's positions and may be influenced by these positions, Benny must go and meet with Mr. Etessami and Mr. Bassalian [to] tell them his positions." Declaration paragraph 2.

4. I did not tell Fereidoon that Mr. Etessami and Mr. Bassalian may be influenced by Effy having spoken to them about his dispute with Benny.

5. I did suggest that Benny meet with Mr. Etessami and Mr. Bassalian to tell them his position.

6. I have also reviewed the Declaration in Support of Petition to Stay Arbitration signed by Firooz (“Benny”) Ghassabian on May 6, 2008, a copy of which is attached to the Petition as Exhibit 1.

7. Benny states in paragraphs 12 and 13 of his Declaration that I informed him that Effy had met with Mr. Etessami and Mr. Bassalian and discussed with them his disputes with Benny.

8. Benny also states that I told Benny that he “should go to Mr. Etessami and Mr. Bassalian and tell them my [Benny] positions concerning the disputes because they have been influenced by Respondent Fatollah [Effy] Hematian.” Declaration paragraph 12.

9. Benny further states in paragraph 13 of his Declaration “Mr. Hezghia also told me that since Mr. Etessami and Mr. Bassalian now know Respondents’ positions and may be influenced by their positions, that I [Benny] must immediately go and meet with Mr. Etessami and Mr. Bassalian in order to tell them my positions.

10. I encouraged Benny to tell Mr. Etessami and Mr. Bassalian, his position; however, I never indicated or intimated that Mr. Etessami or Mr. Bassalian had been influenced by Effy.

11. Further, Benny did not advise me that he felt it would be improper for him to meet with Mr. Etessami or Mr. Bassalian, as alleged in paragraph 13 of his Declaration.

12. I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 17, 2008  
New York, New York

Respectfully submitted,

DAVID HAZGHIA

David Hezghia

JUN. 17. 2008